

Senate Engrossed

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-eighth Legislature  
First Regular Session  
2007

## **SENATE MEMORIAL 1003**

A MEMORIAL

URGING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION REPEALING THE  
PRIVACY VIOLATIONS CONTAINED IN THE REAL ID ACT OF 2005.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 To the Congress of the United States:

2 Your memorialist respectfully represents:

3 Whereas, in May 2005, the United States Congress enacted the REAL ID  
4 Act of 2005 (REAL ID Act) as part of the Emergency Supplemental  
5 Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief  
6 Act (Public Law 109-13), which was signed by President Bush on May 11, 2005  
7 and which becomes fully effective May 11, 2008; and

8 Whereas, some of the requirements of the REAL ID Act are that states  
9 must issue driver licenses and state identification cards in a uniform format  
10 as prescribed by the Department of Homeland Security; must verify the  
11 issuance, validity and completeness of all primary documents used to issue a  
12 driver license, and provide for their secure storage; must provide fraudulent  
13 document recognition training to persons who issue driver licenses or state  
14 identification cards; and must issue a driver license or state identification  
15 card in a prescribed format if it does not meet the criteria provided for a  
16 federally approved license or identification card; and

17 Whereas, use of the federal minimum standards for state driver licenses  
18 and identification cards will be necessary for any type of federally  
19 regulated activity for which an identification card must be displayed; and

20 Whereas, some of the intended privacy requirements of the REAL ID Act,  
21 such as the use of common machine-readable technology and state maintenance  
22 of a database that can be shared with the United States and agencies of other  
23 states, may actually make it more likely that a federally required driver  
24 license or state identification card, or the information about the bearer on  
25 which the license or card is based, will be stolen, sold or otherwise used  
26 for purposes that were never intended or that are criminally related than if  
27 the REAL ID Act had not been enacted; and

28 Whereas, these potential breaches in privacy that could result directly  
29 from compliance with the REAL ID Act may violate the right to privacy of  
30 thousands of residents of Arizona; and

31 Whereas, the American Association of Motor Vehicle Administrators, the  
32 National Governors' Association and the National Conference of State  
33 Legislatures have estimated that the cost to the states to implement the REAL  
34 ID Act will be more than \$11 billion over five years; and

35 Whereas, the mandate to the states, through federal legislation that  
36 provides no funding for its requirements, to issue what is effectively a  
37 national identification card appears to be an attempt to commandeer the  
38 political machinery of the states and to require them to be agents of the  
39 federal government, in violation of the principles of federalism contained in  
40 the tenth amendment to the United States Constitution; and

41 Whereas, some states have enacted legislation that opposes the  
42 implementation of the REAL ID Act.

1           Wherefore your memorialist, the Senate of the State of Arizona, prays:  
2           1. That the Congress of the United States take immediate action to  
3 enact legislation to correct the unfunded mandate on the states resulting  
4 from the passage of the REAL ID Act of 2005, as outlined in this Memorial.  
5           2. That the Secretary of State of the State of Arizona transmit copies  
6 of this Memorial to the President of the United States, the President of the  
7 United States Senate, the Speaker of the United States House of  
8 Representatives and each Member of Congress from the State of Arizona.

**PASSED BY THE SENATE FEBRUARY 19, 2007.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE FEBRUARY 20, 2007.**